

DAVID Y. IGE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
SUZANNE D. CASE  
Chairperson**

**Before the Senate Committees on  
WATER AND LAND  
and  
WAYS AND MEANS**

**Wednesday, April 17, 2019  
10:30 AM  
State Capitol, Room 211**

**In consideration of  
HOUSE CONCURRENT RESOLUTION 6  
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT  
COVERING A PORTION OF STATE SUBMERGED LANDS AT KUKUIULA, KOLOA,  
KONA, KAUAI, FOR A SEAWALL AND STEPS, AND FOR USE, REPAIR, AND  
MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON**

House Concurrent Resolution 6 requests the authorization to issue a term, non-exclusive easement covering 106 square feet, more or less, portion of state submerged lands identified as tax map key: (4) 2-6-011:seaward of 019, at Kukuiula, Koloa, Kona, Kauai for the use, repair, and maintenance of the existing seawall and steps constructed thereon, pursuant to Section 171-53, Hawaii Revised Statutes (HRS). **The Department of Land and Natural Resources (“Department”) supports this Administration concurrent resolution.**

The current owners (grantees) of the abutting property, Edmund and Linda Gregoire, worked with the Department to resolve the encroachments. The improvements were found encroaching on State lands located makai of the shoreline and such area should be considered as submerged lands. As required by Section 171-53, HRS, the Board of Land and Natural Resources (“Board”) may lease submerged lands "with the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution". At its meeting on September 23, 2016, under agenda item D-1, the Board approved the issuance of a term, non-exclusive easement for purposes stated above.

The grantees have paid the State the fair market value of the easement, in the amount of \$7,820, as determined by an independent appraisal for the use of public lands.

Thank you for the opportunity to comment on this measure.

**SUZANNE D. CASE**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**ROBERT K. MASUDA**  
FIRST DEPUTY

**M. KALEO MANUEL**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS